

**STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.**

1 Valuation of Security

0 Assumption of Executory Contract or Unexpired Lease

5 Lien Avoidance

Last revised: September 1, 2018

**UNITED STATES BANKRUPTCY COURT  
District of New Jersey**

In Re: **Kwabena G Otchere**

Case No.:

**18-16321-VFP**

Judge:

**Papalia**

Debtor(s)

**CHAPTER 13 PLAN AND MOTIONS**

☐ Original

☒ Modified/Notice Required

Date:

**December 26, 2018**

☒ Motions Included

☐ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER  
CHAPTER 13 OF THE BANKRUPTCY CODE.

**YOUR RIGHTS MAY BE AFFECTED**

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

**The following matters may be of particular importance. Debtors must check one box on each line to state whether the plan includes each of the following items. If an item is checked as "Does Not" or if both boxes are checked, the provision will be ineffective if set out later in the plan.**

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☒ DOES ☐ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☒ DOES ☐ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney SET Initial Debtor: KGO Initial Co-Debtor \_\_\_\_\_

### Part 1: Payment and Length of Plan

a. The debtor shall pay \$337.00 monthly to the Chapter 13 Trustee for 9 months starting April 2018; the debtor shall pay \$340.00 monthly to the Chapter 13 Trustee for 51 months starting January 2019. The total length of Plan is approximately 60 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

- ☒ Future Earnings  
☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property  
Description:  
Proposed date for completion: \_\_\_\_\_

☐ Refinance of real property:  
Description:  
Proposed date for completion: \_\_\_\_\_

☐ Loan modification with respect to mortgage encumbering property:  
Description:  
Proposed date for completion: \_\_\_\_\_

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

### Part 2: Adequate Protection

☒ NONE

a. Adequate protection payments will be made in the amount of \$\_\_\_\_ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to \_\_\_\_ (creditor).

b. Adequate protection payments will be made in the amount of \$\_\_\_\_ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: \_\_\_\_ (creditor).

### Part 3: Priority Claims (Including Administrative Expenses)

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Scott E. Tanne st2477	Attorney Fees	2,655.00
IRS	Taxes and certain other debts	0.00
State of New Jersey	Taxes and certain other debts	0.00

- b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:  
Check one:  
☒ None  
☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
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#### Part 4: Secured Claims

##### a. Curing Default and Maintaining Payments on Principal Residence: ☐ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Specialized Loan Servicing	185 Tuxedo Parkway Newark, NJ 07106	14,619.54, plus 531.00 added by Court order	0.00	15,150.54	To Be Paid Pursuant to Note and Mortgage

##### b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
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##### c. Secured claims excluded from 11 U.S.C. 506: ☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation
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##### d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☐ NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid
<b>Specialized Loan Servicing (2nd Mortgage)</b>	<b>185 Tuxedo Parkway Newark, NJ 07106</b>	<b>81,107.30</b>	<b>170,000.00</b>	<b>220,853.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

**e. Surrender ☒ NONE**

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
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**f. Secured Claims Unaffected by the Plan ☐ NONE**

The following secured claims are unaffected by the Plan:

Creditor

**Santander Consumer USA**

**Prime Funding (debt secured by personal injury case and will be paid through settlement proceeds)**

**g. Secured Claims to be Paid in Full Through the Plan ☒ NONE**

Creditor	Collateral	Total Amount to be Paid through the Plan
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**Part 5: Unsecured Claims ☐ NONE**

a. **Not separately classified** allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$\_\_\_ to be distributed *pro rata*
- ☐ Not less than \_\_\_ percent
- ☒ *Pro Rata* distribution from any remaining funds

b. **Separately classified unsecured** claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
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**Part 6: Executory Contracts and Unexpired Leases ☒ NONE**

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment
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**Part 7: Motions** ☐ **NONE**

**NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.**

**a. Motion to Avoid Liens under 11 U.S.C. Section 522(f).** ☐ **NONE**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
Lyons, Doughty & Veldhuis PC	185 Tuxedo Parkway Newark, NJ 07106	Judgment Lien	3,623.96	170,000.00	0.00	220,853.00	ALL
Midland Funding LLC	185 Tuxedo Parkway Newark, NJ 07106	Judgment Lien	2,433.36	170,000.00	0.00	220,853.00	ALL
Midland Funding LLC	185 Tuxedo Parkway Newark, NJ 07106	Judgment Lien	1,489.44	170,000.00	0.00	220,853.00	ALL
Midland Funding LLC	185 Tuxedo Parkway Newark, NJ 07106	Judgment Lien	1,759.09	170,000.00	0.00	220,853.00	ALL
Portfolio Recovery	185 Tuxedo Parkway Newark, NJ 07106	Agreement	1,079.00	170,000.00	0.00	220,853.00	ALL

**b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured.** ☐ **NONE**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified
Specialized Loan Servicing	185 Tuxedo Parkway Newark, NJ 07106	81,107.30	170,000.00	220,853.00	0.00	ALL

**c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.** ☒ **NONE**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
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#### Part 8: Other Plan Provisions

##### a. Vesting of Property of the Estate

- ☒ Upon Confirmation  
☐ Upon Discharge

##### b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

##### c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee Commissions
- 2) **Other Administrative Claims**
- 3) **Secured Claims**
- 4) **Lease Arrearages**
- 5) **Priority Claims**
- 6) **General Unsecured Claims**

##### d. Post-Petition Claims

The Standing Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

#### Part 9: Modification ☐ NONE

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: **April 3, 2018**

Explain below <b>why</b> the plan is being modified: to provide treatment for Prime Funding	Explain below <b>how</b> the plan is being modified: adding creditor
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Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☒ No

#### Part 10 : Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures:

- ☒ NONE  
☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are ineffective.

#### Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

By signing and filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this Chapter 13 Plan are identical to *Local Form, Chapter 13 Plan and Motions*, other than any non-standard provisions included in Part 10.

I certify under penalty of perjury that the above is true.

Date: <u>December 26, 2018</u>	<u>/s/ Kwabena G Otchere</u> <b>Kwabena G Otchere</b> Debtor
Date: _____	_____ Joint Debtor
Date: <u>December 26, 2018</u>	<u>/s/ Scott E. Tanne</u> <b>Scott E. Tanne st2477</b> Attorney for the Debtor(s)

**Certificate of Notice Page 8 of 9**  
 United States Bankruptcy Court  
 District of New Jersey

In re:  
 Kwabena G Otchere  
 Debtor

Case No. 18-16321-VFP  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-2

User: admin  
 Form ID: pdf901

Page 1 of 2  
 Total Noticed: 30

Date Rcvd: Jan 02, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 04, 2019.

db  
 517425688 +Kwabena G Otchere, 185 Tuxedo Parkway, Newark, NJ 07106-3304  
 517425689 +Cliffside Park Imaging & Diagnostic Ctr, PO Box 1912, Cliffside Park, NJ 07010-5912  
 517425690 +Dariusz Nasiek, MD, PO Box 441, Oradell, NJ 07649-0441  
 517425691 +Dr. Musaid A. Kahn, Jersey Neurosciences, LLC, 550 Newark Avenue, Suite 303,  
 Jersey City, NJ 07306-1348  
 517425692 +Dr. Solomon Owusu, Neighborhood Clinic, 559 West Side Avenue, Jersey City, NJ 07304-1617  
 517425693 +Equifax, PO BOX 740241, Atlanta, GA 30374-0241  
 517425695 +Experian, PO BOX 9701, Allen, TX 75013-9701  
 517425695 +Lyons, Doughty & Veldhuis PC, 136 Gaither Drive Ste 100, P BOX 1269,  
 Mount Laurel, NJ 08054-7269  
 517568589 Main Street Acquisition Corp., c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701  
 517425696 Midland Funding LLC, c/o Pressler and Pressler LLP, 7 Entin Road,  
 Parsippany, NJ 07054-5020  
 517425698 +Pressler & Pressler, 7 Entin Road, Parsippany, NJ 07054-5020  
 517425699 +Prime Case Funding, LLC, 11 Broadway, New York, NY 10004-1303  
 517425700 +RAS Citron, 130 Clinton Rd, Suite 202, Fairfield, NJ 07004-2927  
 517425705 ++STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245,  
 TRENTON NJ 08646-0245  
 (address filed with court: State of New Jersey, Division of Taxation, Bankruptcy Unit,  
 PO Box 245, Trenton, NJ 08695-0245)  
 517425701 +Santander Consumer USA, PO Box 961245, Ft Worth, TX 76161-0244  
 517473740 +Santander Consumer USA, Inc., P.O. Box 560284, Dallas, TX 75356-0284  
 517425703 +Specialized Loan Servicing/SLS, 8742 Lucent Blvd Ste 300, Highlands Ranch, CO 80129-2386  
 517425702 +Specialized Loan Servicing/SLS, Attn: Bankruptcy, PO Box 636005, Littleton, CO 80163-6005  
 517425704 +SportsCare of America, PC, 11 Eagle Rock Ave, Suite 201, East Hanover, NJ 07936-3167  
 517425706 +Trans Union, PO BOX 2000, Chester, PA 19016-2000  
 517425707 +University Hospital, 150 Bergen Street, Newark, NJ 07103-2406  
 517425708 +University Physician Associates, 220 Davidson Avenue, Somerset, NJ 08873-4149  
 517455929 +Wells Fargo Bank, N.A. Trustee (See 410), c/o Specialized Loan Servicing LLC,  
 8742 Lucent Blvd, Suite 300, Highlands Ranch, Colorado 80129-2386

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
 smg E-mail/Text: usanj.njbankr@usdoj.gov Jan 03 2019 01:07:43 U.S. Attorney, 970 Broad St.,  
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Jan 03 2019 01:07:40 United States Trustee,  
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,  
 Newark, NJ 07102-5235  
 517425694 E-mail/Text: cio.bncmail@irs.gov Jan 03 2019 01:07:23 IRS, Department of the Treasury,  
 Internal Revenue Service, 310 Lowell Street, Andover, MA 01810-9041  
 517425697 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Jan 03 2019 01:11:46  
 Portfolio Recovery, P.O. Box 12914, Norfolk, VA 23541  
 517425710 +E-mail/Text: wfmelectronicbankruptcynotifications@verizonwireless.com Jan 03 2019 01:07:09  
 Verizon, PO Box 650584, Dallas, TX 75265-0584  
 517425709 +E-mail/Text: wfmelectronicbankruptcynotifications@verizonwireless.com Jan 03 2019 01:07:09  
 Verizon, Verizon Wireless Bankruptcy Administrati, 500 Tecnolgy Dr Ste 500,  
 Weldon Springs, MO 63304-2225  
 517570141 +E-mail/PDF: EBN\_AIS@AMERICANINFOSOURCE.COM Jan 03 2019 01:11:30 Verizon,  
 by American InfoSource LP as agent, 4515 N Santa Fe Ave, Oklahoma City, OK 73118-7901  
 TOTAL: 7

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

517553662\* +Wells Fargo Bank, N.A. Trustee (See 410), c/o Specialized Loan Servicing LLC,  
 8742 Lucent Blvd, Suite 300, Highlands Ranch, Colorado 80129-2386

TOTALS: 0, \* 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address  
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jan 04, 2019

Signature: /s/Joseph Speetjens



District/off: 0312-2

User: admin  
Form ID: pdf901

Page 2 of 2  
Total Noticed: 30

Date Rcvd: Jan 02, 2019

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### CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 2, 2019 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor Wells Fargo Bank, N.A. as Trustee et al...  
dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com  
Marie-Ann Greenberg magecf@magtrustee.com  
Rebecca Ann Solarz on behalf of Creditor Wells Fargo Bank, N.A. as Trustee et al...  
rsolarz@kmlawgroup.com  
Scott E. Tanne on behalf of Debtor Kwabena G Otchere ecf@tannelaw.com,  
tanne.ecf.email@gmail.com  
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 5